

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:07-CR-51-FL
No. 4:12-CV-42-FL

MARTREY ANTWAIN NEWBY,)
)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

This matter comes before the court upon judgment of the United States Court of Appeals for the Fourth Circuit, entered June 3, 2014, taking effect by mandate issued today, affirming in part and vacating in part the court's January 28, 2014, judgment. In particular, the court affirmed that part of the court's order denying petitioner's motion for reduction in sentence (DE 215), but the court of appeals vacated that part of the court's order dismissing petitioner's motion to vacate (DE 214) as untimely. In accordance with the judgment of the court of appeals, the clerk is DIRECTED to reopen petitioner's motion to vacate (DE 214).

Where the government's previous response to the motion to vacate (DE 219) raised untimeliness in addition to other grounds for dismissal of the motion to vacate not previously addressed by the court, the court DIRECTS the government to file, within **twenty-one (21) days**, a renewed response to the motion to vacate, incorporating any developments in the law bearing on arguments raised in previous response. Petitioner shall have **fourteen (14) days** to respond to the government's renewed response. Pursuant to standing order 11-SO-03, the Federal Public Defender or previous appointed counsel is APPOINTED to make limited reappearance for purposes of

representation for post-conviction relief in accordance with United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).

SO ORDERED, this 28th day of July, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Judge